

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-755-R - ORDER NO. 95-795 ✓
MARCH 30, 1995

IN RE: South Carolina Tariff Bureau, Inc. -) ORDER APPROVING
Approval of Agreement, By-Laws and) AGREEMENT, BY-LAWS
Procedures and Approval of First) AND PROCEDURES AND
Tariff, SCTB Motor Freight Tariff) APPROVING FIRST
No. 1.) TARIFF

This matter comes before the Public Service Commission of South Carolina ("the Commission") on two Applications filed by the South Carolina Tariff Bureau, Inc. ("SCTB"). The first Application seeks approval of SCTB's Agreement, By-Laws and Procedures and was filed by David Popowski, Esquire, on March 17, 1995. The second Application was filed on March 24, 1995, and requests approval of SCTB's First Tariff - SCTB Motor Freight Tariff No. 1.

**Application for Approval of SCTB's
Agreement, By-Laws and Procedures**

In the Application for approval of SCTB's Agreement, By-Laws, and Procedures, Mr. Popowski states that the SCTB is incorporated under the laws of the State of South Carolina as a nonprofit corporation. According to the Application, the incorporation of the SCTB was prompted by the enactment of Section 601 of the Federal Aviation Authorization Act of 1994. This legislation became effective on January 1, 1995, and prohibited states from enacting or enforcing any law, regulation, or other provision having the force and effect of law related to price, route, or service by motor carriers of property, except for transportation of

household goods and hazardous wastes for disposal. The Application states that many members of the South Carolina household goods transportation industry were members of the Motor Truck Rate Bureau, Inc. ("MTRB") that published tariffs for those carriers, the most recent of which was Motor Freight Tariff No. 8-P effective October 15, 1993. As a result of the Federal Aviation Authorization Act of 1994, the MTRB dissolved effective December 31, 1994. By Order No. 94-1280 dated December 21, 1994, and Order No. 95-513 dated February 23, 1995, the Commission extended Motor Freight Tariff 8-P through and including March 30, 1995, to provide sufficient time for the organization and incorporation of SCTB. The SCTB has now organized and incorporated and submits this Application for approval of its Agreement, By-Laws, and Procedures pursuant to S.C. Code Ann. §58-23-1010 (Law. Co-op., Supp. 1993).

Prior to Commission consideration and by letter dated March 20, 1995, Mr. Popowski requested that the Probate for the Limited Power of Attorney be deleted from the Application. Mr. Popowski requested that the Probate be deleted because it is unnecessary and could be confusing for the prospective members of the SCTB.

S.C Code Ann. §58-23-1010 (Law. Co-op., Supp. 1993) allows the Commission to "approve joint rates, local rates and rate agreements between two or more motor carriers relating to rates, classifications, allowances, and charges agreed to and published by individuals, firms, corporations, ... [a]ny of these agreements when approved by the Commission are not in violation of Section 39-3-10."

The Commission has examined the SCTB's Application for

Approval of its Agreement, By-Laws and Procedures and is of the opinion, and so finds, that the Application should be approved as amended by Mr. Popowski's March 20, 1995, letter. The Commission finds that approval of the Application, as amended, is in the public interest as the SCTB will replace the Motor Truck Rate Bureau as the ratemaking body for intrastate household goods carriers. The SCTB will establish rates, routes, classifications, allowances and charges for or on behalf of its members in accordance with its Agreement, By-Laws and Procedures and as approved by the Commission.

Application for Approval of SCTB's First Tariff

In the Application for Approval of SCTB's First Tariff, Mr. Popowski states that SCTB seeks approval to file its first intrastate household goods carrier tariff containing rates, charges and other provisions. The Application states that the SCTB operates pursuant to a collective ratemaking agreement known as its Agreement, By-Laws and Procedures. The SCTB has been designated as publishing agent on behalf of its member household goods motor common carriers. The SCTB's members execute powers of attorney which designate the SCTB as their publishing agent.

The Application reveals that the Board of Directors of the SCTB met on March 22, 1995 and by unanimous vote adopted the first tariff of the SCTB, SCTB Motor Freight Tariff No. 1. It is this tariff for which the SCTB seeks Commission approval. The Application also states that the members of the SCTB are presently participants of the MTRB Motor Freight Tariff No. 8-P that expires at midnight on March 30, 1995, pursuant to Commission Order

No. 95-513 dated February 23, 1995. The Application also advises the Commission that the SCTB members and other carriers are now providing customers with estimates based on the MTRB Motor Freight Tariff No. 8-P and requests that the Commission allow all estimates prior to March 31, 1995, which is the effective date of the proposed tariff, remain in effect for thirty (30) days from the date of the estimate and that the rates and charges based on the MTRB Motor Freight Tariff No. 8-P be applicable.

The Commission has examined this matter and is of the opinion and so finds that the Application of the SCTB containing the proposed SCTB Motor Freight Tariff No. 1 should be approved and that the tariff should have an effective date of March 31, 1995. The Commission finds that the tariff complies with the provisions of S.C. Code Ann. §58-23-1010 (Law. Co-op., Supp. 1995) and that the rates as proposed are reasonable. The Commission also finds that the public interest requires that all estimates based on MTRB Motor Freight Tariff No. 8-P and issued by the existing and prospective members of the SCTB prior to the effective date of SCTB Motor Freight Tariff No. 1 on March 31, 1995, shall remain in full force and effect for thirty (30) days from the date of each estimate.

IT IS THEREFORE ORDERED THAT:

1. The Application of the SCTB seeking approval of its Agreement, By-Laws and Procedures is approved as amended.
2. The SCTB Motor Freight Tariff No. 1 is approved with an effective date of March 31, 1995.
3. Additional household motor freight carriers desiring to

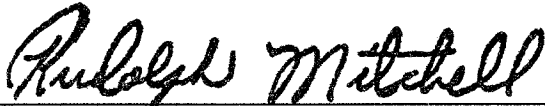
become members of the SCTB , upon execution of the appropriate powers of attorney, shall be participants in SCTB Motor Freight Tariff No. 1.

4. All estimates based on MTRB Motor Freight Tariff No. 8-P issued by the existing and prospective members of the SCTB prior to the effective date of SCTB Motor Freight Tariff No. 1 on March 31, 1995, shall be in full force and effect for a period of thirty (30) days from the date of each estimate.

5. SCTB and the Commission Staff may make such technical corrections to SCTB Motor Freight Tariff No. 1 as necessary as long as no rate changes are involved.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


CHAIRMAN

ATTEST:


Executive Director

(SEAL)